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Georg Zepf

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EXAMINER

CUMBESS, YOLANDA R

ART UNIT

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3651

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,327	Applicant(s) ZEPF, GEORG	
	Examiner YOLANDA CUMBESS	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: Where a claim sets forth a plurality of elements or steps, each element of step of the claim should be separated by a line indentation. See, MPEP 608.01(m); 37 CFR 1.75(i). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 16 recites "the container handling component comprises are of a closing device, inspection device, and labeling machine". It is unclear as to whether the container handling component comprises one of the closing device, inspection device, or a labeling machine, or all three. Appropriate clarification is needed.

Claim Rejections - 35 USC § 102; 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-10, 15, 18, and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stocchi (US Pg. Pub 2003/0075547). Relative to claims 1, 5-10, 15, 18, and 22, Stocchi discloses an apparatus support structure (10) (Fig. 1) for container handling machines, comprising: entry and exit stars (14)(Fig. 1) that are arranged on a support housing (26)(Fig. 1) and which are drivable from the inside of the support housing (26), with a star configuration (Fig. 1-2)(Page 2, Para. 0037, lines 1-5) that is defined by the relative positioning of the entry and exit stars (14), wherein the support housing (26)(Fig. 1) is within the star configuration and fixed above the floor plane (Fig. 1) and beneath the transport plane (Fig. 1) in a support structure (10) which stands on the floor (Fig. 1), wherein the support structure (10) is substantially horizontal and defines the fixation plane (Fig. 1), wherein the support structure (10) is formed of the sections (see sections near Ref. 10, Fig. 1) and the floor feet (12)(Fig. 1), wherein the sections (see sections

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near Ref. 10, between Ref. 12) and floor feet (12) are connected to each other at nodes (see connection point of Ref. 12 and 10; Fig. 1), either directly or via a support housing (see Fig. 1, sections (Ref. 10) are directly connected to feet Ref. 12), wherein the feet (12) and the support housing (26) stands freely and is arranged in such a manner that open areas are formed around the support housing (26)(Fig. 1-2), and wherein at least some sections (see sections near Ref. 10) can be combined with each other and with the support housings (26) whereby the star configuration is changeable as desired (Page 2, Para. 0034, 0054); wherein the sections (see near Ref. 10) of the pipe frame are one of straight stainless steel pipes or round solid profiled parts (Fig. 1)(Page. 2, Para. 0039); wherein the sections (see near Ref. 10) of the profile frame are profiled parts whose bottoms are open (Page. 3, Para. 0051), and whole surfaces pointing away from the floor are one of curved or flat and slanted towards the floor (Page 2, Para. 0039); wherein each section (see near Ref. 10) presents at least one joining end (see connection points between Ref. 10, and Ref. 26, or Ref. 12)(Fig. 1), which fits with a connection interface of one of a support housing (26) or of a foot (12); wherein the individual sections in the pipe or profile frame have one of blunt impact or mitered impact joining ends (See Fig. 2); wherein the joining places in the pipe or profile frame have an external flat design and contain internal connection elements (17)(Fig. 1)(Page. 3, Para. 0052); wherein in or on the pipe or profile frame (10), covers (22) are provided at least in some areas (Fig. 1); wherein the section of the pipe frame (see sections near Ref. 10) have substantially identical external diameters (Fig. 1); wherein the covers (22)

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are one of grids, metal plate parts, plastic parts, or glass parts ("metal sheets", Page. 2, Para. 0040).

Relative to claim 1 Stocchi does not expressly disclose the support structure (10) is one of a pipe or profile frame. However, Stocchi teaches the use of pipes in a container handling apparatus support structure of this type is well known in the art (Page. 1)(Para. 0007). Although it is apparent from the drawings that the sections (see near Ref. 10) are composed of pipe or profile frame, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Stocchi with sections of pipe or profile frame since it is well known in the art of container handling apparatus.

Relative to claim 5, Stocchi does not expressly disclose: wherein in a top view with the viewing direction towards the floor, the thickness of the section (see sections near Ref. 10) is smaller than the diameter of the support housing (26) and of the feet (12). As suggested by the Stocchi, the device of Stocchi can be modified so that the thickness of the sections is smaller than the diameter of the support housing (26) and of the feet sections (12), since providing thin sections would leave useful space beneath the sections to accommodate additional components (Page 3, Para. 0054).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Stocchi so that the sections are smaller in diameter than the support housing and the feet as mentioned above to provide useful space beneath the sections to accommodate additional components.

Claims 2-4, 11-14, 16-17, 19-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocchi in view of Petri et al (US Patent No. 6,058,985).

Relative to claims 2-4, 11-14, 16-17, 19-21 and 23, Stocchi discloses all claim limitations, including: a splash removal device (40)(Page. 3, Para. 0058), and wherein the entry and exit stars(14) are arranged inside of the external circumference that is defined by externally located sections (see near Ref. 10) of the pipe or profile frame (Fig. 1-2).

Stocchi does not expressly disclose: at least one additional container handling component that is fixed at a node of one of the pipe or profile frame; at least one additional container handling component that is fixed on one of sections; wherein at least some of the entry and exit stars have individual drives accommodated in their support housings, and control and supply strands leading to the individual drive systems arranged in the sections of the pipe or profile frame; wherein, beneath the fixation plane of the pipe or profile frame, on the bottom sides of the support housings, drive wheels are arranged free-standing and connected via overhung drive devices with a central drive system; wherein the drive accommodated in the support housings can be driven by drive strands placed in sections; wherein each support housing has a narrow upper part and a broadened foot part, and is mounted with a foot part on a bottom housing, which forms the node of the pipe and profile frame, where on the bottom housing at least two section connecting interfaces are provided, which are offset about the axis; wherein the container handling component comprises a closing device, inspection device, or a labeling machine; wherein the container handling component comprises a

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conveyor; wherein the individual driver are electrical servo motors with drive systems or electrical direct drive motors; wherein the drive wheels are one of sprocket wheels, toothed wheels or belt toothed wheels; wherein the narrow upper part tapers upwardly; or wherein each additional container component is also arranged inside of the external circumference.

Petri teaches: at least one additional container handling component (4)(Fig. 1)(108)(Fig. 4); that is fixed at a node of one of the pipe or profile frame (Fig. 1)(Col. 3, lines 23-44); at least one additional container handling component (4)(108) that is fixed on one of sections; wherein at least some of the entry and exit stars have individual drives (150, 160) accommodated in their support housings (Col. 2, lines 46-65), and control and supply strands leading to the individual drive systems arranged in the sections of the pipe or profile frame (Col. 3, lines 43-46); wherein, beneath the fixation plane of the pipe or profile frame, on the bottom sides of the support housings, drive wheels are arranged free-standing and connected via overhung drive devices with a central drive system (Col. 2, lines 58-62); wherein the drive (150, 160) accommodated in the support housings can be driven by drive strands placed in sections (Col. 2, lines 48-62); wherein each support housing (8) has a narrow upper part and a broadened foot part (Col. 2, lines 62-65), and is mounted with a foot part on a bottom housing (Fig. 1), which forms the node of the pipe and profile frame, where on the bottom housing at least two section connecting interfaces are provided, which are offset about the axis (Fig. 1-2); wherein the container handling component comprises a closing device (106), inspection device, or a labeling machine (108)(Col. 3, lines 22-35); wherein the

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container handling component comprises a conveyor (Col. 2, lines 39-45; Col. 3, lines 22-30); wherein the individual driver are electrical servo motors with drive systems or electrical direct drive motors (Col. 3, lines, 43-46); wherein the drive wheels are one of sprocket wheels, toothed wheels or belt toothed wheels (Col. 2, lines 59-62); wherein the narrow upper part tapers upwardly (Ref. 8, Col. 2, lines 63-65)(Fig. 1); or wherein each additional container component is also arranged inside of the external circumference (Fig. 1)(Col. 3, lines 22-43).

Petri teaches the additional handling containers including a closing and labeling device, individual drives in the support housings, drive wheels, and drive strands as mentioned above for the purpose of providing a bottle handling apparatus with an improved setup structure that is hygienic, minimizes the collection of dirt, and is also easy to clean (Col. 1, lines 39-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Stocchi, modified as above, with the additional handling drives, individual drives in the support housing, drive wheels, and drive strands mentioned above as taught in Petri for the purpose of providing a bottle handling apparatus with an improved setup structure that is hygienic, minimizes the collection of dirt, and is also easy to clean.

Additional Cited Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Relative to claims 2 and 19, see Fiegler, (US PG Pub. 2006/0207859; Para. 0014; 0029-0030).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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